

and the step of measuring the degree of binding of BION-1 to the β_c subunit, and comparing it to the degree of binding in the absence of the candidate inhibitory compound.

36-39. Cancelled.

REMARKS

After amendment, claims 32-35 are pending in the present application. Original claims 1-31 were previously cancelled and previously added claims 36-39 are cancelled pursuant to the Examiner's restriction requirement and Applicants' election of claims 32-35. Applicants have added an abstract to the instant specification, the abstract being that which was filed with the original PCT application from which the present application claims priority.

The Examiner has objected to or rejected the original specification and claims 32-35 variously under 35 U.S.C. §112, first second paragraph and under the judicially created doctrine of obviousness-type double patenting as being invalid for the reasons which have been stated in the office action. Applicants will address each of the Examiner's rejections in the sections which follow.

The Objection to the Specification

The Examiner has objected to the specification as failing to contain an abstract as required by 37 C.F.R. 1.72(b). Applicants have addressed this objection by adding the specification to the application. Noted here is the fact that the original PCT application contained an abstract on the first page, which was filed in this national phase filing and added again in this paper. It is respectfully submitted that the amendment to the present application addresses the Examiner's objection.

The §112, First Paragraph Rejection

The Examiner has rejected claims 33-34 for the reasons which are set forth in the office action on page 3. In order to address the Examiner's rejection, Applicants enclose herewith the declaration of Professor Angel Lopez (one of the co-inventors of the present application), which contains language specifically addressing the Examiner's concerns. Applicants separately note the presentation of information in the specification on page 23, disclosing the date of deposit and the name and address of the depository as requested by the Examiner.

The Obviousness-type Double Patenting Rejection

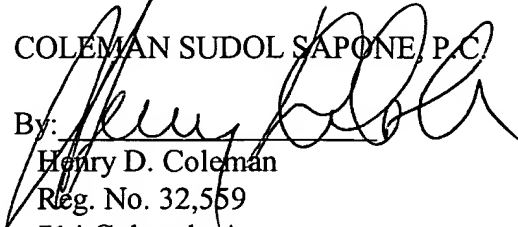
The Examiner has rejected claims 32-35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. patent no. 6,200,567. In order to address the Examiner's rejection here, Applicants enclose an executed terminal disclaimer, as well as the disclaimer fee. Applicants respectfully submit that the instant application now appropriately addresses the Examiner's concerns.

Consequently, it is respectfully submitted that the claimed invention is in compliance with the requirements of 35 U.S.C. For the above reasons, Applicants respectfully assert that the claims set forth in the amendment to the application of the present invention are now in condition for allowance and such action is earnestly solicited.

Applicant has cancelled 3 claims (1 independent) and added no claims. No fee is due for the presentation of the instant amendment. A terminal disclaimer fee of \$65.00 is also enclosed, as is a declaration of Dr. Angel Lopez. A small entity form is on file in the present application.

Respectfully submitted,

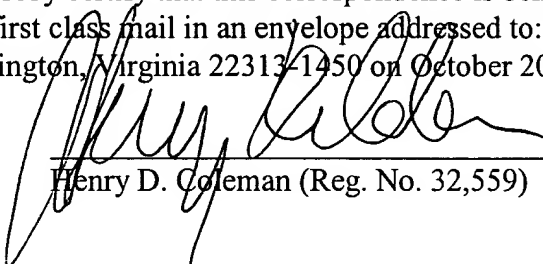
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Arlington, Virginia 22313-1450 on October 20, 2003.


Henry D. Coleman (Reg. No. 32,559)